IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.37729 of 2008
ARBIND KUMAR RAI @ ARBIND RAI
Versus
STATE OF BIHAR
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4. 8.12.2008 Heard Sri Md. Farooque Ahmad, Advocate for the petitioner and the learned A.P.P. for the State.

The deceased is the full brother of the informant and he appears under the employment of co-accused Sunil Rai as a cow herd boy. He came to take his meal and in that connection some knocks were heard at the door of the accused. The petitioner was on some calls through his cellular phone and the knocks at the door appears causing annoyance to him.

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The allegation is that this petitioner assaulted with leg and clinching feet as also with lathi and iron rods. These facts were stated by the deceased to his brother(the informant).

Subsequently, it appears a case was made out that the co-accused Sunil Rai @ Sunil Kr. Rai and this petitioner, both assaulted him in the manner as alleged.

The contention is that said Sunil Rai has been admitted to bail by me in

Cr.Misc.Petition No.24157 of 2008. I have perused that order and it is indicted by that, on being impressed by the fact that the petitioner was found simply pressing the material evidence of the case. I was of the view that it could be a case under Section 201 Cr.P.C. and as such, I directed the release of the co-accused Sunil Rai on bail.

Considering the FIR, statement alleging that it could be the present petitioner, namely, Arbind Kumar Rai @ Arbind Rai who could have assaulted the deceased and on account of which, there were six serious injuries recorded by the doctor during the postmortem examination report, I am not inclined to direct the release of the above named petitioner on bail.

Petition is dismissed.

(Dharnidhar Jha, J.)

B.Kr.

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